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13 HAAS AUTOMATION, INC.

14
15 **UNITED STATES DISTRICT COURT**
16
CENTRAL DISTRICT OF CALIFORNIA

17 HAAS AUTOMATION, INC.,

18 Plaintiff,

19 vs.

20 BRIAN DENNY, an individual,
21 CNCPROS.NET, Inc., an Idaho
22 Corporation, AUTOMATED
23 SOLUTIONS, INC., an Idaho
24 Corporation doing business as ASI
25 MACHINE & SUPPLY, CNCLISTINGS,
26 LLC, an Idaho Corporation, FHD
27 INTERNATIONAL, LLC, an Idaho
28 limited liability company and Does 1-10
inclusive,

Defendants.

Case No. 2:14-cv-00434-CBM(PLAx)

JOINT RULE 26(F) REPORT

Complaint filed: January 17, 2014
Trial date: TBD

29 The attorneys for Plaintiff Haas Automation, Inc. ("Plaintiff") and
30 Defendants Brian Denny, Automated Solutions, Inc., d/b/a ASI Machine and
31 Supply, CNCPros.net, CNCListings, LLC and FHD International, LLC (sometimes
32 jointly termed "Defendants") conducted the conference required by Federal Rule of
33 Civil Procedure 26(f) and Local Rule 26-1 on February 14, 2014. The Parties now
34 submit this Joint Report regarding the conference and report on the following
35 issues:

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1 **I. NATURE OF THE CASE¹**

2 **A. Haas' Claims**

3 Haas is one of the largest builders and manufacturers of computer
 4 numerically controlled (“CNC”) machine tools and parts in the Western World.
 5 Over the past thirty (30) years, Haas has built a family of trademarks, service marks
 6 and copyrights under which it labels, advertises, offers for sale and sells its CNC
 7 goods and services throughout the United States and the world. Haas sells CNC
 8 goods using the Haas name, including on the Internet.

9 Plaintiff's claims against Defendants primarily involve Defendants' sale of
 10 fake replacement parts for Haas CNC machines (“Fake Replacement Parts”) on the
 11 internet without indicating whether a consumer would receive Fake Replacement
 12 Parts for a Haas CNC machine or an authentic replacement part manufactured by or
 13 for Haas. Defendants identified some of the Fake Replacement Parts with the same
 14 part numbers which are used to identify authentic Haas replacement parts and
 15 shipped the Fake Replacement Parts in packaging that displayed the word “Haas”
 16 on it and enclosed an invoice with the word “Haas” on it.

17 Plaintiff alleges the following claims for relief against Defendants:
 18 1) Trademark Counterfeiting; 2) Trademark Infringement; 3) False Designation of
 19 Origin; 4) Trademark Dilution; 5) False Advertising; 6) California State Unfair
 20 Competition; 7) California State Trademark Dilution; 8) Common Law Unfair
 21 Competition; and, 9) California State False Advertising.

22 **B. Defendants' Defenses**

23 Defendants deny Plaintiff's allegations and allege that Plaintiff's claims are
 24 barred by their denials and their affirmative defenses.

25 Defendants filed an Answer on February 11, 2014.

26 ¹ This is not an exclusive list of the factual and legal issues presented in this case.
 27 However, the Parties deem this to be a sufficient list to provide the Court with an
 28 understanding of what this case is about. Defendants deny Plaintiff's allegations
 and Plaintiff disputes Defendants' defenses.

1 **II. Discovery And Experts**

2 **Rule 26(f)(3)(A):** The Parties agree that initial disclosures should be made 30
 3 days after the Rule 26(f) conference.

4 **Rule 26(f)(3)(B):** The Parties intend to seek discovery related to the issues in
 5 contention, which will include written discovery and depositions.

6 Plaintiff anticipates taking discovery with respect to, among other things,
 7 Defendants: 1) suppliers; 2) manufacturers; 3) machine drawings; 4) sales figures;
 8 5) marketing materials; and 6) direct mailings.

9 Plaintiff anticipates taking Defendants' depositions, including but not limited
 10 to, Defendants person(s) most knowledgeable regarding Defendants: 1) production;
 11 2) marketing; and 3) customers.

12 Defendants anticipate taking 1-3 depositions, depending on which person or
 13 persons are designated as Plaintiff's 30(b)(6) witnesses. Defendants reserve their
 14 right to take additional depositions based on further investigation and discovery.

15 Discovery does not need to be conducted in phases or limited to or focused
 16 on any particular issues.

17 The Parties have provided in Section IV of this report a proposed list of
 18 deadlines for this action for the Court's review and consideration.

19 **Rule 26(f)(3)(C) – Electronic Discovery:** The Parties do not anticipate any
 20 issues with electronic discovery.

21 **Rule 26(f)(3)(D):** The Parties do not anticipate any unusual privilege claims
 22 with respect to discovery. However, the Parties agree that if any privileged
 23 documents are inadvertently produced, they are to be returned to the other Party
 24 upon request or discovery.

25 **Rule 26(f)(3)(E):** The Parties do not believe that any changes to the
 26 limitations on discovery should be made or that other limitations should be set.

27 **Rule 26(f)(e)(F):** The Parties, at this time, do not believe that additional
 28 orders under Rule 26(c) or Rule 16(b) and (c) are necessary.

1 **A. Complex Case (L.R. 26-1(a))**

2 The Parties believe that this case is not complex and does not require any of
 3 the Manual For Complex Litigation procedures.

4 **B. Motion Schedule (L.R. 26-1(b))**

5 The Parties intend to file Motions for Summary Judgment. Discovery needs
 6 to be conducted before those motions can be heard.

7 The Parties have provided in Section IV of this report a proposed list of
 8 deadlines for this action for the Court's review and consideration.

9 **C. Settlement (L.R. 26-1(c))**

10 The Parties do not believe that settlement is a possibility at this time, but are
 11 open-minded. The Parties propose that any mandatory settlement procedure be
 12 conducted before a Magistrate Judge (Procedure 1).

13 **D. Trial Estimate (L.R. 26-1(d))**

14 The Parties anticipate that this will be a 7-8 day trial. Plaintiff demanded a
 15 jury trial in its Complaint and Defendants demanded a jury trial in the body of their
 16 Answer.

17 **E. Additional Parties (L.R. 26-1(e))**

18 The Parties do not currently anticipate any additional parties. However,
 19 Plaintiff reserves the right to add any additional entity created by Brian Denny,
 20 including but not limited to, Sequoiacnc.com.

21 **F. Expert Witnesses (L.R. 26-1(f))**

22 The Parties believe that the Court's customary and usual procedures will be
 23 appropriate for this case. Plaintiff anticipates three (3) experts. Their areas of
 24 expertise will include: 1) intellectual property; 2) damages; and 3) the internet.
 25 Plaintiff reserves its right to retain additional experts. Defendants reserve their right
 26 to retain rebuttal experts.

III. Magistrate Judge

The Parties do not consent to have this matter heard by a Magistrate Judge.

IV. Proposed Deadlines For This Action

The Parties propose the following deadlines for this action:

Matter	Date
Discovery Cut-Off	June 22, 2015
Motion Filing Deadline	August 10, 2015
Final Pretrial Conference	September 14, 2015
Trial	September 22, 2015

Respectfully submitted,

DATED: March 31, 2014

BUCHALTER NEMER
A Professional Corporation

By: /s/ Jason E. Goldstein

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DATED: March 31, 2014

HAWLEY TROXELL ENNIS & HAWLEY LLP

By: /s/ Steven F. Schossberger

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**BRIAN DENNY, CNCPROS.NET, INC.,
AUTOMATED SOLUTIONS, INC., ASI
MACHINE AND SUPPLY,
CNCLISTINGS, LLC AND FHD
INTERNATIONAL, LLC**